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ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

Situation of human rights in Cambodia

Addendum

Letter dated 22 March 1996 from the Minister of Foreign Affairs of Cambodia to the Centre for Human Rights

[Original: English]
[22 March 1996]

I would like to inform you that most of Mr. Michael Kirby's remarks and recommendations are reasonable. The Royal Government of Cambodia is going to implement them for a better understanding of human rights and to improve the respect of the human rights situation in Cambodia. The Royal Government also wishes to bring to your attention the following observations:

In the field of the right to education, referred to in paragraph 23 of Mr. Kirby's report and education about HIV and other sexually transmitted diseases, referred to in paragraph 77, the Ministry of Education, Youth and Sport is making every effort to include the provisions of the rights of the child, of women, and other domestic laws into the education curriculum for primary schools which was officially proclaimed by the Royal Government in August 1995. The books which contain such rights as mentioned above for levels 1 and 6 will be distributed to pupils and teachers in the 1996-1997 school year and for levels 2, 3, 4 and 5 will be distributed in the 1997-1998 school year.

I wish to clarify that the draft law referred to in paragraph 27 was established by the Ministry of Environment in consultation with international experts and Cambodian lawyers. It was adopted by the Council of Ministers. Now it has been submitted to the National Assembly of Cambodia. Therefore, it cannot be sent to the office of the Centre for Human Rights for review.

With reference to paragraph 60 concerning the women's code, the Inter-Ministerial meeting agreed to insert the contents of the women's code into other draft laws such as the labour law and the penal law. In paragraph 65, the term "including rape within marriage" should be omitted since it seemed too early in the Cambodian society.

Concerning chapter III. F, relating to prisons and detention centres, the message of His Majesty the King dated 5 January 1996 was well received with high consideration by the Ministry of the Interior. A project for the construction of the new Prey Sar prison for the relocation of T3 prison is under way. A committee for the verification of the construction work should hold its first meeting in March 1996. The construction of such a prison must be one of the priorities of the Ministry and the Royal Government.

The Ministry of Interior gives particular importance to the assessment report by the Australian expert 1/ which has been widely published in order to attract international assistance in the development and improvement of the prisons and detention centres.

Concerning the health condition of detainees, the Ministry of the Interior continues its collaboration with the Ministry of Health with a view to improving the quality and quantity of care offered to all detainees, as well as those in Kompong Cham prison and the rest of the prisons and detention centres.

The Ministry of Interior will continue to supervise the situation, so that no detainee shall be subject to bad treatment, by prohibiting the keeping of prisoners in isolated cells and controlling their food rations.

The drafting of regulations on the penitentiary administration is still an assignment for the Ministry. A project for the setting up of a task force for prison supervisors will be implemented in 1996.

Many difficult situations have resulted from a lack of means and budget. The Ministry wishes to have international assistance in order to counter these difficulties and to broaden human rights in the prisons, comparable to the situation in democratic countries.

Concerning chapter III. G, relating to the right to freedom of expression, some problems raised are related to the competence of the Ministry of Information. Regarding the Ministry of the Interior, there are no such official guidelines aimed at using pressure or intimidation against journalists or newspaper editors. Despite the high level of anarchy in

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1/ "The Cambodian prison service", by Mr. Bill Kidston, AusAID consultant, July 1995.

journalism in Cambodia, the Ministry wishes only that respect of the law be effective on the part of those whose level of comprehension of the law and obligation towards others is still uncertain.

Concerning chapter III. H, relating to the right to be elected and to take part in government, the Royal Government of Cambodia respects the principles set out in the Constitution, in article 51 relating to the regime of liberal democracy and pluralism and article 42 relating to the rights of association and the creation of political parties. These rights will be defined in law.

The Ministry of the Interior is drafting law on local and legislative elections with the assistance of international experts and NGOs in order to be in conformity with the spirit of the Constitution. The lack of competent lawyers and the amount of work required explains the slowness in realizing the foreseen objectives. Some advanced countries take at least three years only to bring improvement to their existing laws. The Ministry of the Interior, despite its lack of resources, is determined to bring the project to the approval of the Royal Government and the promulgation by the National Assembly as soon as possible. The authorization to create political parties, without endorsement on positive rights in the present circumstances of Cambodia, can become a danger for democracy threatening the liberty of the citizens.

Everywhere in the Kingdom of Cambodia, there is no intimidation or threat of use of violence towards members of the opposition political parties.

With regard to the current drafting of electoral law, the Ministry of the Interior takes into account all necessary measures to permit fair and free elections in absolute conformity with the principles of human rights governing political freedom.

Concerning paragraph 86 relating to the draft law on nationality, the Ministry of the Interior has drafted the law on nationality in the spirit of conforming with the great principles of the Royal Government in respect of human rights, non-discrimination, respect of minorities as well as in that of the principles of the law on nationality existing in a great number of democratic countries. As for the interpretation of the editors of Mr. Michael Kirby's report, the Ministry wishes to bring no further explanation nor additional interpretation except to confirm that it continues to conform itself to the principles known as jus soli and jus sanguini without discrimination based on national or ethnic origin, or on religion.

(Signed): Ung HUOT
(Minister of Foreign Affairs
and International Cooperation)